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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

16 The court has before it defendant Trapp's motion for entry of judgment (doc. 26),
17 plaintiff's response (doc. 27), and defendant Burton's joinder to Trapp's motion and reply to
18 plaintiff's response (doc. 28). Trapp did not submit a reply in support of his motion, and the
19 time for replying has expired.

This case arises from plaintiff's visit to the Arizona State Senate Building on February 24, 2011, which ended in his arrest by officers Trapp and Burton. Plaintiff asserts various constitutional violations pursuant to 42 U.S.C. § 1983. On October 21, 2011, we granted Trapp's and Burton's motions to dismiss, finding that both defendants were entitled to qualified immunity on plaintiff's claims (doc. 25). Trapp and Burton now move for entry of judgment in their favor.

26 A court may direct entry of judgment as to specific parties in multi-party actions. Fed.
27 R. Civ. P. 54(b). We may only do so if we "expressly determine[] that there is no just reason
28 for delay." Id. Entering judgment under Rule 54(b) "must be reserved for the unusual case

1 in which the costs and risks of multiplying the number of proceedings and of overcrowding
2 the appellate docket are outbalanced by pressing needs of the litigants" in obtaining an early
3 judgment for some parties. Frank Briscoe Co., Inc. v. Morrison-Knudsen Co., Inc., 776 F.2d
4 1414, 1416 (9th Cir. 1985). Plaintiff opposes the motion, asserting that a forthcoming
5 motion to amend his complaint will cure the deficiencies that resulted in Trapp and Burton's
6 dismissal from this action. Given plaintiff's expressed intention and the early stage of this
7 litigation, entry of judgment under Rule 54(b), Fed. R. Civ. P. in favor of Trapp and Burton
8 is premature.

9 **IT IS ORDERED DENYING** Trapp and Burton's motion for entry of judgment
10 without prejudice (doc. 26).

11 DATED this 1st day of December, 2011.

Frederick J. Martone
Frederick J. Martone
United States District Judge